

CWP-5238-2026

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5238-2026

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
21.04.2026	08.05.2026	FULL PRONOUNCED	08.05.2026

Rakesh Kumar and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Sourabh Bajaj, Advocate
for the petitioners.

Mr. Rahul Mohan, Addl. AG, Haryana.

Mr. Jagdish Manchanda, Sr. Advocate with
Mr. Vipul Thakur, Advocate
for respondent No.3.

ANOOP CHITKARA, J.

1. The petitioners, out of whom petitioner No. 3 was former Municipal Councilor of Municipal Corporation Ambala, have come up before this Court by challenging the notification dated September 04, 2025 (Annexure P-7) issued under Section 11(8) of the Haryana Municipal Corporation Act 1994 r/w Rule 3 of the Haryana Municipal Corporation Delimitation of Wards Rules 1994, vide which the seats have been reserved for various categories in Municipal Corporation, Ambala, have come up before this Court by filing the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a writ in the nature of certiorari.
2. The writ petitioners are praying for issuance of a writ in the nature of certiorari to quash the notification dated May 26, 2023 (AnnexureP5), by which Haryana Municipal

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Corporation delimitation of Ward Amendment Rules 2023, have been notified and consequently Rule 3 has been substituted and the same according to them is contradictory, arbitrary, discriminatory, as the number of seats cannot be fixed on the basis of population drawn from Family Information Data Repository under Haryana Parivar Pehchan Act 2021.

3. The next prayer of the petitioners is that the de-limitation of wards was finalized by notification dated December 24, 2025 (Annexure P-21) which is contrary to the mandate of Section 6 of *Haryana Municipal Corporation Delimitation of Ward Rules, 1994* read with Rule 7 of the said rules because in the absence of any inclusion or exclusion of the area and in the absence of new census data there was no necessity of the de-limitation of wards and the entire exercise of delimitation of wards is mala fide, arbitrary and illegal.

4. The next prayer is to quash Rule 71 of Haryana Municipal Corporation Election Rules 1994, to the extent that the BC 'A' and BC 'B' categories, it has been mandated that the population has been drawn from FIDR, which is completely illegal.

5. The arguments were not addressed regarding Backward Classes 'A' and 'B' categories, but were only confined to the Schedule Caste category, and also regarding FIDR.

6. The other prayers are only connected with the main prayers. As such, this Court is not reproducing numerous prayers that do not address any specific issue. Further, in court during the course of arguments, no arguments or points were raised on the remaining prayers, and, as such, the respondents also had no opportunity to oppose the same.

7. It should be appropriate to refer to the written statement filed by respondent No.2, Additional Director, Urban Local Bodies, Haryana, Panchkula. It shall be appropriate to extract the following paragraphs of the written statement, which read as follows:-

“5. That the Hon'ble Supreme Court of India vide its judgment dated 04.03.2021 passed in Writ Petition (Civil) No. 980 of 2019 titled as Vikas Kishanrao Gawali Versus State of Maharashtra and others observed that the State Legislation cannot simply provide uniform and rigid quantum of reservation of seats for Backward Classes in the Local Bodies across the State, that too without a proper inquiry into the nature and implications of backwardness by an independent Commission. The triple test conditions required to be complied with by the State before reserving seats in the Local Bodies for Backward Classes are as under:-

"(1) To set up a dedicated Commission to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua Local Bodies, within the State;

(2) To specify the proportion of reservation required to be provisioned, Local Body-wise, in light of recommendations of the Commission, so as not to fall foul of over breadth; and

(3) In any case such reservation shall not breach the upper ceiling of 50% vertical reservation in favour of SCS/STS/OBCs taken together."

In another Writ Petition (Civil) No. 278 of 2022 titled 'Suresh Mahajan Versus State of Madhya Pradesh and Another', the Hon'ble Supreme Court, vide its order dated 10.05.2022, has observed that until the triple test formality is completed 'in all respects' by the State Governments, no reservation for OBCs can be provisioned and directed all the State Governments and the respective State Election Commissions to abide by the same without fail to uphold the constitutional mandate.

Further, Hon'ble Punjab and Haryana High Court passed interim order dated 17.05.2022 in CM-3239-CWP-2022-IN CWP-18977-2021 with CM-3200-CWP-2022-IN CWP-21883-2021 to comply with the orders dated 10.05.2022 passed by the Hon'ble Supreme Court of India.

6. That in compliance of the directions of Hon'ble Supreme Court of India in the above referred judgments, Haryana Backward Classes Commission was constituted vide Government notification dated 12.07.2022 of Welfare of Scheduled Castes and Backward Classes Department, among other functions, to study and recommend the proportion of reservation for backward classes required to be provisioned in Panchayati Raj Institutions and Municipalities in the State. The Commission made recommendations to provide reservation for Backward Classes 'A' in the elections of Municipalities. Accordingly, the State Government has decided to provide reservation to BC 'A' in the elections of Municipalities. But, the figures of population of BC-A category are not available in the latest Census i.e., Census 2011 and it was necessary to provide the reservation to such categories on the basis of their population. The method of ascertaining of

total population on the basis of spot survey was not transparent because during spot survey there is likelihood for inclusion of migrated/outsider population.

It is relevant to mention here that the Government of Haryana has established Family Information Data Repository (FIDR) under the provisions of Haryana Parivar Pehchan Act, 2021 (20 of 2021) wherein the information about residents of Haryana organized as family unit is available, which is dynamically updated and periodically verified. Presently, as on 11.02.2025, the total updated population of State of Haryana as per Haryana Parivar Pehchan Patra is 2,97,26,357, out of which verified population is 2,97,11,526. It is relevant to mention here that the total population of the State of Haryana as per census 2011 is 253.52 Lacs. Data available in FIDR established under the Haryana Parivar Pehchan Act, 2021 (20 of 2021) is periodically verified/updated. Therefore, data available in FIDR has been considered for the purpose of fixation of seats and reservation for Backward Classes 'A' and further for Backward Classes 'B' in the elections of Municipal Corporations. Reservation/fixation of seats for Backward Classes 'A' and further for Backward Classes 'B' alongwith fixation of total number of seats of Corporation has been done on the basis of population figures drawn from FIDR established under the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date as may be notified by the Government.

Further, according to elector-population (EP) ratio, in general, for every 1000 persons, the number of eligible electors is nearly 700 in the State. As enrolment for Family Id is a voluntary process and there was likelihood that in certain pockets a majority of residents may not have registered in FIDR, thus, it has also been considered that where the population, as drawn from FIDR is less than 140 per centum of the number of electors registered in such areas as per the last published Electoral Roll, the population shall be considered equal to 140 per centum of the number of voters in the last published Electoral Roll of the area. Further, the limit for variation of population in wards of a corporation has been increased from 10 per centum to 20 centum above or below the average population per ward.

7. That accordingly, the Government has provisioned under section 6 and

sub-section (4) of Section 11 of the Haryana Municipal Corporation Act, 1994 for considering the population as drawn on FIDR for providing reservation to BC 'A' Category, by way of amendment vide Act No. 25 of 2023 notified vide notification No. Leg. 27/2023 dated 19.09.2023 (Annexure P-1). The relevant part of section 6 and sub-section (4) (a) of Section 11 of the Haryana Municipal Corporation Act, 1994 is reproduced as under:

"6. Fixation of seats of Corporation. - (1) The total number of seats for each Corporation shall be fixed by the Government on the basis of the population drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government:

Provided that where the population as drawn from Family Information Data Repository is less than 140 per centum of the number of electors registered in such areas as per the last published Electoral Roll, then the population equal to 140 per centum of the number of voters in the electoral roll of the area shall be considered.

Illustration. (i) Where the population as per Family Information Data Repository is 150 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per Family Information Data Repository shall be considered being higher.

(ii) Where the population as per Family Information Data Repository is 125 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per last published electoral roll shall be considered being higher."

(2) For the purpose of election of members, the Municipal area shall be divided into wards in such manner, as may be prescribed.

(3) Wards shall, as far as practicable, be geographically compact areas, and having regard to physical features, existing boundaries of administrative units, if any, facilities of communication and public

convenience.

(4) The population of each ward, as far as practicable, should be the same throughout the Corporation with a variation up to "20" percent above or below the average population per ward.

(5) Wards reserved for the members of Scheduled Castes and Backward Classes "A" shall, as far as practicable, be located in those areas where the proportion of their population to the total population of the Corporation is the largest.

Sub-section (4)(a) of Section 11 of the Haryana Municipal Corporation Act, 1994:-

"(4) (a) The seats shall be reserved for the Backward Classes 'A' in every Corporation and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in that Corporation as one-half of the proportion of Backward Classes 'A' population to the total population in that Corporation and rounded off to the next higher integer in case the decimal value is 0.5 or more; and such seats shall be allotted by draw of lots among three times of the number of seats, proposed for reservation of Backward Classes 'A', after excluding those seats already reserved for Scheduled Castes, drawn from those seats which are having the largest percentage population of Backward Classes 'A' and also by rotation in the subsequent elections."

Provided that the Corporation shall have at least one member belonging to the Backward Classes 'A' if their population is two per centum or more of the total population of the Corporation.

Provided further that where the number of seats so reserved for Backward Classes 'A' under this sub-section added to the number of seats reserved for the Scheduled Castes exceeds fifty per centum of the total number of seats in that Corporation, then the number of seats reserved for Backward Classes 'A' shall be restricted to such largest number that shall lead to the total of the seats reserved for the Backward Classes 'A' and Scheduled Castes not exceeding fifty per centum of the total seats in that Corporation.

Explanation. (1) For the purposes of reservation of Backward Classes 'A' under this sub-section, the population of the Municipal Corporation area and the population of Backward Classes 'A' in that Municipal Corporation shall be such as drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government.

Explanation.-(2) For the purposes of the second proviso, fifty per centum of the total seats in the Corporation shall be taken as one-half of the total seats of the Corporation rounded up to the next higher integer where the decimal value is 0.5 or more or rounded down to the next lower integer where the decimal value is less than 0.5.

(b) Not less than one-third of the total number of seats reserved under this sub-section shall be reserved for women belonging to the Backward Classes 'B' and such seats may be allotted by rotation and by lots amongst the wards reserved under this sub-section".

8. That earlier, there was a provision under section 6 of the Haryana Municipal Corporation Act, 1994 and rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 for fixation of total number of seats/wards including Schedule Castes seats/wards on the basis of population ascertained as per latest census and if certain area is included within, or excluded from the limits of a Municipal area, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of that Corporation for the purpose of re-fixation of seats of the Corporation. Unamended section 6 of the Haryana Municipal Corporation Act, 1994 and rule 3 of the Haryana Municipal Corporation Delimitation Ward Rules, 1994 are reproduced as under:-

*"6. **Fixation of seats of Corporation.**- (1) After every official census, the total number of seats shall be fixed by the Government on the basis of latest census figures. In case certain area is included, or excluded from the limits of a Corporation, the population shall be ascertained on the spot in respect of such area and shall be added to,*

or excluded from the latest census figures of that Corporation for the purpose of refixation of seats.

(2) For the purpose of election of members, the Municipal area shall be divided into wards in such manner, as may be prescribed.

(3) Wards shall, as far as practicable, be geographically compact areas, and having regard to physical features, existing boundaries of administrative units, if any, facilities of communication and public convenience.

(4) The population of each ward, as far as practicable, should be the same throughout the Corporation with a variation upto 10 percent above or below the average population per ward.

(5) Wards reserved for the members of Scheduled Castes and Backward Classes shall, as far as practicable be located in those areas where the proportion of their population to the total population of the Corporation is the largest.

Explanation. Here "population" means the population as ascertained locally by the staff, deputed by the Commissioner, after going from door to door in the Corporation."

Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994:-

"3. Fixation of seats of Corporation.- *(1) After every census, the total number of seats of each Corporation shall be fixed by the Government on the basis of the latest census figures. In case certain area is included within, or excluded from the limits of Municipal area, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of the Corporation. The number of seats to be fixed by the election of each Corporation shall be fixed or refixed in accordance with the formula given below:*

<i>Corporation with a population</i>	<i>Number of seats</i>
<i>Not exceeding 400,000</i>	<i>20</i>

Exceeding 4,00,000 but not exceeding 5,00,000	22
Exceeding 5,00,000 but not exceeding 6,00,000	24
Exceeding 7,00,000 but not exceeding 8,00,000	26
Exceeding 8,00,000 but not exceeding 9,00,000	28
Exceeding 10,00,000 but not exceeding 12,00,000	30
Exceeding 12,00,000 but not exceeding 15,00,000	32
Exceeding 15,00,000	35

3) *The number of seats for members belonging to the Scheduled Castes shall be fixed in proportion to their population in each Corporation in accordance with the following formula:-*

$$\frac{\text{Total Number of Seats} \times \text{Population of Scheduled Castes}}{\text{Total population}}$$

9. *That the boundaries of Municipal Corporation, Ambala were altered vide notification dated 11.09.2019 after excluding the area of Ambala Sadar from the existing limits of Municipal Corporation, Ambala due to which population data was also scattered. Further, earlier there was a provision under section 6(1) of the Haryana Municipal Corporation Act, 1994 and rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 mentioned in above paras, to rely upon the population on the spot in case of area included or excluded in/from the limits of municipality. Since, population data was scattered, therefore as per the prevailing situation/circumstances, the spot population was considered for the assessment of population for the purpose of elections of Municipal Corporation, Ambala held in the year 2020 as the limit was altered. The total population in the year 2020, as per spot survey conducted by Municipal Corporation, Ambala was 303850 and Scheduled Castes population was 71940. Accordingly, for determining the seats of Scheduled*

Castes, the following formula has been provided under rule 3(3) of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994:-

$$\frac{\text{Total Number of Seats} \times \text{Population of Scheduled Castes}}{\text{Total population}}$$

$$\frac{20 \times 71940}{303850} = 4.73$$

Say =05 (decimal value is more than 0.5)

Hence, 05 seats were reserved for Scheduled Castes in Municipal Corporation, Ambala for the purpose of election held in the year 2020.

X X X X

11. That further, on the recommendation of Haryana Backward Classes Commission, the State Government has also made provisions to provide the reservation to the members of Backward Classes-B also and after sub-section (4) of Section 11 of the Haryana Municipal Corporation Act, 1994, sub-section (4A) has been inserted vide notification dated 06th December, 2024 (P-2). As per the provisions of sub-section (4A) (a), the reservation of Backward Classes-B has to be done by draw of lots, among three times of the number of seats, after excluding those seats already reserved for Scheduled Castes and Backward Classes-A, drawn from those seats which are having the largest percentage population of Backward Classes B. The relevant provision of sub-section (4A) of Section 11 is reproduced as under for the kind perusal of this Hon'ble Court:-

"(4A) (a) The seats shall be reserved for the Backward Classes 'B' in every Corporation and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in that Corporation as one-half of the proportion of Backward Classes 'B' population to the total population in that Corporation and rounded off to the next higher integer in case the decimal value is 0.5 or more; and such seats shall be allotted by draw of lots among three times of the number of seats, proposed for reservation of Backward Classes 'B', after excluding those seats already reserved for Scheduled Castes and Backward Classes 'A', drawn from those

seats which are having the largest percentage population of Backward Classes 'B' and also by rotation in the subsequent elections:

Provided that the Corporation shall have at least one member belonging to the Backward Classes 'B' if their population is two per centum or more of the total population of the Corporation:

Provided further that where the number of seats so reserved for Backward Classes 'B' under this sub-section added to the number of seats reserved for the Scheduled Castes and Backward Classes 'A' exceeds fifty per centum of the total number of seats in that Corporation, then the number of seats reserved for Backward Classes 'B' shall be restricted to such largest number that shall lead to the total of the seats reserved for the Scheduled Castes, Backward Classes 'A' and Backward Classes 'B' not exceeding fifty per centum of the total seats in that Corporation.

Explanation.-(1) For the purposes of reservation of Backward Classes 'B' under this sub-section, the population of the Municipal Corporation area and the population of Backward Classes 'B' in that Municipal Corporation shall be such as drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government.

Explanation .-(2) For the purposes of the second proviso, fifty per centum of the total seats in the Corporation shall be taken as one-half of the total seats of the Corporation rounded up to the next higher integer where the decimal value is 0.5 or more or rounded down to the next lower integer where the decimal value is less than 0.5,

(b) Not less than one-third of the total number of seats reserved under this sub-section shall be reserved for women belonging to the Backward Classes 'B' and such seats may be allotted by rotation and by lots amongst the wards reserved under this sub-section."

12. That similarly, sub-section (5) of section 6 of the Haryana Municipal

Corporation Act, 1994 has been substituted vide Government notification dated 06th December, 2024, which is as under :-

"(5) Wards reserved for the members of Scheduled Castes, Backward Classes 'A' and Backward Classes 'B' shall, as far as practicable, be located in those areas where the proportion of their population to the total population of the Corporation is the largest."

Further, the word Backward Classes-B has also been inserted in clause (i) of rule 5 and clause (c) of rule 7 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 vide Government notification dated 06th December, 2024.

13. That on perusal of the provisions of Article 243T of the Constitution of India and provisions under sub-section (1) of section 11 of the Haryana Municipal Corporation Act, 1994 regarding reservation of seats for Scheduled Castes, it is clear that the seats/wards for Scheduled Castes are to be fixed in proportion to the population of Scheduled Castes to the total population in such municipality. For this purpose, the following formula has been provided under rule 3(3) of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994:-

$$\frac{\text{Total Number of Seats} \times \text{Population of Scheduled Castes}}{\text{Total population}}$$

As per census 2011, the total population of the existing municipal limit of Municipal Corporation, Ambala is 229935 and out of which the population of Scheduled Castes is 36210, which is 15.75% of the total population of Municipal Corporation, Ambala.

Accordingly, after applying the above formula for determination of seats for Scheduled Castes, the number of seats comes as under :-

$$\frac{20 \times 36210}{229935} = 3.15$$

Say 3 (decimal value is less than 0.5)

The difference in the seats of Scheduled Castes in the proposed election and in the previous election held in the year 2020, is due to the reason that in

2020, the spot population was considered and now due to amendments in section 6 of the Haryana Municipal Corporation Act, 1994 and rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, the population of census, 2011 has been taken for determining the seats of Scheduled Castes only.

14. That in view of the above provisions, the total seats including the seats of BC-A & BC-B category have been fixed on the basis of population drawn on FIDR or 140 per centum of the number of electors, whichever is higher, whereas, for fixation of seats for Scheduled Castes, the total population and Scheduled Castes population has been taken into consideration as per the latest Census i.e. 2011, which is as per existing provisions of Constitution of India as well as Haryana Municipal Corporation Act, 1994 & Rules made thereunder. The Government has already notified the date 01.07.2025 for taking into consideration the population as drawn on FIDR for the purpose of election of Municipal Corporation Ambala, Panchkula and Sonapat. The total population of Municipal Corporation, Ambala as per FIDR is 263469 and number of electors is 193260. After taking 140 per centum of the number of electors, it comes to 271068. Hence, as per the provisions of section 6 of the Haryana Municipal Act, 1994 and Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, the population of 140 per centum of electors is higher than FIDR, so, total seats have been fixed on the basis of population of 140 per centum of the number of electors i.e., 271068. Further, the FIDR population of BC 'A' & BC 'B' are 56015 & 13365 respectively. By considering population as per 140 per centum of the electors, the ratio of population of BC 'A' and BC 'B' comes to 57629 & 13743 respectively. Moreover, the number of seats for BC 'A' and BC 'B' are to be determined as one-half of the proportion of Backward Classes 'A' population & Backward Classes 'B' population to the total population in that Corporation respectively and rounded off to the next higher integer in case the decimal value is 0.5 or more. The per centum share of BC 'A' and BC 'B' population in Municipal Corporation, Panchkula is 21.26% & 5.17% respectively and after taking one half of these, it comes to 10.63% & 2.54%. Hence, the total seats for BC 'A' and BC 'B' comes to as under :-

$$BC 'A' 20 (Total Ward) \times 10.63\% = 2.13$$

$$BC 'B' 20 (Total Ward) \times 2.54 = 0.51 \text{ (say 01)}$$

*As per provisions of sub-section 4 (b) & 4A (b) of section 11 of the Haryana Municipal Corporation Act, 1994, not less than one-third of the total number of seats reserved under this sub-section shall be reserved for women belonging to the Backward Classes 'A' & Backward Classes 'B' and such seats may be allotted by rotation and by lots amongst the wards reserved under this sub-section. Hence, one seat/ward out of the two seats reserved for BC 'A' & one seat reserved for BC 'B' in Municipal Corporation, Ambala was to be reserved for BC 'A' 'Women' & BC 'B' 'Women' respectively. Therefore, there is no discrepancy in the population numbers mentioned in the notification dated 04.09.2025 (Annexure P-7) as the FIDR data or 140 per centum of the electors, whichever is higher, has been considered for the purpose for fixation of total seats/wards and for reservation of BC 'A' and BC 'B', whereas the data on the basis of 2011 Census has been taken into consideration for fixation of seats for Scheduled Castes. Accordingly, the notification in this regard has been issued by the Government on 04.09.2025 (Annexure P-7) after getting it vetted from Law and Legislative Department, which is well within the provisions of the *ibid* Act and Rules.*

15. That it is pertinent to mention here that due to amendment in section 6 & 11 of the Haryana Municipal Corporation Act, 1994 and Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, fresh delimitation of wards of Municipal Corporation, Ambala was required to be done as the total population as well as population of BC 'A' and BC 'B' as per FIDR or 140 per centum of the total electors, whichever is higher, is required to be taken. Therefore, after receiving the proposal from Adhoc Body for delimitation of wards under the Chairpersonship of Deputy Commissioner, Ambala, the preliminary notification of delimitation of wards of Municipal Corporation, Ambala has been issued by the Government on 12.12.2025 (Annexure P-16) under rule 9 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 for information of the persons likely be affected thereby and inviting objections/suggestion from the general public within seven days.

Deputy Commissioner, Ambala vide letter dated 20.12.2025 has intimated that 57 objections (including the objections of petitioner No. 1 & 2 i.e., Shri Rakesh Kumar and Shri Mithun Verma) have been received within the prescribed period against the preliminary notification. All the

objections were heard by the Deputy Commissioner, Ambala on 20.12.2025 in the presence of concerned officers/officials. After due consideration, the report on the objections has been forwarded by the Deputy Commissioner, Ambala for further necessary action, with the recommendation to dispose of all the objections and publish the final notification of Delimitation of Wards of Municipal Corporation, Ambala. Copy of letter dated 20.12.2025 is annexed as Annexure R-1. The proposal of the Deputy Commissioner, Ambala was considered by the Government and as per rule 10 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, the final notification of Delimitation of wards of Municipal Corporation, Ambala has been issued by the Government vide order dated 24.12.2025 (Annexure P-21), which is as per applicable law and well within the provisions of the ibid Act and Rules.

16. That Deputy Commissioner, Ambala vide letter dated 06.01.2026 has also sent the proceedings of the meeting of Adhoc Body held on 03.01.2026, under his Chairpersonship, for reservation of wards of Municipal Corporation, Ambala as per the latest wardbandi and fixation of seats. Accordingly, as per sub-section (8) of section 11 of the Haryana Municipal Corporation Act, 1994, the Government has notified the reservation of wards of Municipal Corporation, Ambala vide notification No. 04/51/2025-4Cl dated 14.01.2026 (Annexure P-26), which is as per the provisions of ibid Acts and Rules made thereunder and sustainable in the eyes of law.

17. That an amendment has also been made in Rule 71 (7) of the Haryana Municipal Corporation Election Rules, 1994 vide notification dated 26.05.2023 and 06.12.2024 respectively for reservation of offices of Mayor including Scheduled Castes, Backward Classes 'A' (8%), Backward Classes 'B' (5%) and Women in Municipal Corporations in the State of Haryana. Further, for providing reservation to Backward Classes 'A' & Backward Classes 'B' in the offices of Mayors of Municipal Corporations, the total population of such Corporation area and population of BC 'A' & BC 'B' is to be taken as drawn from FIDR on such date, as may be notified. The draw of lots for reservation of offices of Mayors of all Municipal Corporations (11) in the State of Haryana was not possible as the Election of 08 Municipal Corporations namely Gurugram, Faridabad, Manesar, Rohtak, Panipat, Karnal, Yamunanagar & Hisar was held on 02.03.2025 & 09.03.2025

(Panipat) and for the purposes of election of 03 Municipal Corporations namely: Gurugram, Faridabad & Manesar, where the tenure of elected body i.e. Faridabad and Gurugram had already expired in the month of February/November, 2022 and Municipal Corporation, Manesar was newly constituted on 24.12.2020, the date for considering the population of FIDR was notified as 01.06.2023. Further, for the general election of Municipal Corporation, Hisar, Yamunanagar, Karnal, Panipat & Rohtak, where the tenure of elected body had expired in the month of January, 2024, the date for considering the population of FIDR was notified as 01.10.2023. The draw of lots of all 11 Municipal Corporations including Municipal Corporations, Ambala, Sonapat & Panchkula was not carried out at that time as the tenure of elected body of these 03 Municipal Corporations was to be expired after more than two years.

A meeting notice dated 31.12.2025 has been issued by the Urban Local Bodies Department, Haryana to the concerned Divisional Commissioner, Ambala & Rohtak and Commissioners of Municipal Corporation, Panchkula, Ambala and Sonapat. The Meeting of committee consisting of the Director General, Urban Local Bodies, Divisional Commissioner concerned or their nominees and Commissioners of the concerned Municipal Corporations has been held on 22.01.2026 and reservation of offices of Mayor of 03 Municipal Corporations namely Ambala, Panchkula and Sonapat has been determined on the basis of maximum percentage of population and through draw of lots. Municipal Corporation, Ambala has been reserved for BC 'B' 'Women' and other 02 Municipal Corporations namely Panchkula and Sonapat falls under general category. Accordingly, the Government has notified the reservation for Mayors of these 03 Municipal Corporations vide notification dated 29.01.2026. (Annexure P/27).

It is pertinent to mention here that as per the provisions of relevant Act and Rules, the reservation for the offices of Mayor in 11 Municipal Corporations for various categories comes to as under:-

<i>Number of Municipal Corporations</i>	<i>SC (20%)</i>	<i>BC 'A' (8%)</i>	<i>BC 'B' (5%)</i>	<i>Women (not less than one-third of the total offices)</i>
<i>11</i>	<i>02</i>	<i>01</i>	<i>01</i>	<i>04</i>

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Out of 11 Municipal Corporations, the reservation of the offices of Mayor of 08 Municipal Corporations namely: Faridabad, Gurugram, Karnal, Rohtak, Panipat, Yamunanagar, Manesar & Hisar have been made vide Government notification dated 01.01.2025, which is as under :-

<i>Number of Municipal Corporations</i>	<i>SC (20%)</i>	<i>BC 'A' (8%)</i>	<i>BC 'B' (5%)</i>	<i>Women (not less than one-third of the total offices)</i>
<i>08</i>	<i>02</i>	<i>01</i>	<i>0</i>	<i>03</i>

Now, for the general election of 03 Municipal Corporations namely Ambala, Panchkula and Sonapat, the reservation of offices of these Municipal Corporations has been made vide Government notification dated 29.01.2026 (Annexure P-27) vide which only one seat of Mayor has been reserved for BC 'B' 'Women' category. In total 11 Municipal Corporations, two (02) seats are to be reserved for Scheduled Castes category & 01 seat is to be reserved for BC 'A' and same have already been reserved in the elections of 08 Municipal Corporations held on 02.03.2025 and 09.03.2025 (Panipat). Hence, no reservation has been provided to the Scheduled Castes category and BC 'A' category in these 03 Municipal Corporations. Further 01 seat in the total 11 offices of Mayor in the State is to be reserved for BC 'B' category, which was not provided at the time of elections of 08 Municipal Corporations because 05 per centum of total 08 Municipal Corporations was less than 0.5 but in total 11 Municipal Corporations, the seats come as 11x5% 0.55 (say 01 as the decimal is. greater than 0.5). Hence, 01 seat has been reserved for BC 'B' from the offices of these 03 Municipal Corporations and same has also been reserved for BC 'B' 'W' as not less than one third seat is to be provided for women in this category. Further, after reservation of one seat for Backward Classes 'B' 'Women', the quota for women has been filled (i.e., 04 women out of total 11, whereby 03 seats already reserved in the election of 08 Municipal Corporations). So, the reservations for Scheduled Castes category, BC 'A', BC 'B' and women made in the offices of Mayors of 11 Municipal Corporations in the State of Haryana are as per the Act and Rules and same are sustainable in the eyes of law.

18. That it is also pertinent to mention here that after the amendments made vide notification dated 19.09.2023 (Annexure P-1) and 06.12.2024 (Annexure P-2), the general elections of 34 municipalities (22 Municipal Committees, 04 Municipal Councils & 08 Municipal Corporations) have already been conducted in the year 2025.”

8. In paragraph number 16 of the written statement, it has been explicitly mentioned that for the purpose of fixation of seats for the Scheduled caste, the total population and the Scheduled Caste population have been taken into consideration as per the latest census that is of the year 2011.

9. The arguments which were confined only to the reduction of seats of candidates belonging to the scheduled caste category, as such, this Court has only to adjudicate the seats of candidates belonging to the scheduled caste category.

10. An analysis of the pleadings and the submissions would lead to the following outcome

11. The seats were reallocated as a consequence of the notification dated Sep 04, 2025, which reads as follows:

“HARYANA GOVT. GAZ. (EXTRA). SEPT. 4, 2025 (BHDR. 13, 1947 SAKA)

No.6/44/2025-4CI.-In exercise of the powers conferred under sub-section (8) of section 11 of the Haryana Municipal Corporation Act, 1994 (16 of 1994) read with rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 and in supersession of Haryana Government, Urban Local Bodies Department notification No. 18/159/2020-3C1 dated the 29th July, 2020, Haryana Government, Urban Local Bodies Department notification No. 18/160/2020-3C1 dated the 29th July, 2020 and Haryana Government, Urban Local Bodies Department notification No. 18/180/2018-3C1 dated the 24th August, 2018, the Governor of Haryana hereby reserves the following seats for the Municipal Corporation, Ambala, Panchkula and Sonapat as mentioned in the Schedule given below for the purposes of their general election, namely:-xxx”

12. PART IXA of the **Constitution of India** provides for the “THE MUNICIPALITIES” and the portions of the provisions relevant for the present adjudication read as follows:

243P(g). “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

243T. Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same

proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

13. Section 6 of The Haryana Municipal Corporation Act, 1994, (Haryana Act No. 16 of 1994), [Substituted by Haryana Act 24 of 2003], reads as follows: -

Fixation of Seats of Corporation

[6]. (1) After every official census, the total number of seats shall be fixed by the Government on the basis of latest census figures. In case certain area is included, or excluded from the limits of a Corporation, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of that Corporation for the purpose of refixation of seats.

(2) For the purpose of election of members, the Municipal area shall be divided into wards in such manner, as may be prescribed.

(3) Wards shall, as far as practicable, be geographically compact areas, and having regard to physical features, existing boundaries of administrative units, if any, facilities of communication and public convenience.

(4) The population of each ward, as far as practicable, should be the same throughout the Corporation with a variation up to 10 percent above or below the average population per ward.

(5) Wards reserved for the members of Scheduled Castes and Backward Classes shall, as far as practicable, be located in those areas where the proportion of their population to the total population of the Corporation is the largest.

Explanation.- Here "population" means the population as ascertained locally by the staff, deputed by the Commissioner, after going from door to door in the Corporation.

14. Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules 1994, reads as follows:

Haryana Municipal Corporation Delimitation of Ward Rules, 1994 [Notification No. S.O.60/H.Ordi 4/94/S.6/94 dated 3rd August, 1994], reads as follows:

[3]. Fixation of seats of Corporation.-(1) After every census, the total number of seats of each Corporation shall be fixed by the Government on the basis of the latest census figures. In case certain area is included within, or excluded from the limits of a Municipal area, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of that Corporation for the purpose of refixation of seats of the Corporation. The number of seats to be filled by election of each Corporation shall be fixed or refixed in accordance with the formula given below :-

xx

15. The Amendment relating to Section 6 of the Haryana Municipal Corporation Act, 1994 reads as follows:

In section 6 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),-

(i) for sub-section (1), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023, namely:-

"(1) The total number of seats for each Corporation shall be fixed by the Government on the basis of the population drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government:

Provided that where the population as drawn from Family information Data Repository is less than 140 per centum of the number of electors registered in such areas as per the last published Electoral Roll, then the population equal to 140 per centum of the number of voters in the electoral roll of the area shall be considered.

Illustration.- (i) Where the population as per Family Information Data Repository is 150 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per Family Information Data Repository shall be considered being higher.

(ii) Where the population as per Family Information Data Repository is 125 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per last published electoral roll shall be considered being higher.";

(ii) in sub-section (4), for the figure "10", the figure "20" shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023;

(iii) in sub-section (5), for the words "Backward Classes", the words, signs and alphabet "Backward Classes 'A' " shall be substituted shall be deemed to have been substituted with effect from the 16th May, 2023;

(iv) explanation existing at the end shall be omitted and shall be deemed to have been omitted with effect from the 16th May, 2023.

16. Thus, before the amendment of 2023, the total number of seats was based on the latest Census figures. In case a certain area is included, or excluded from the limits of a Corporation, the population was to be ascertained on the spot in respect of such area and shall be added to, or excluded from, the latest Census figures of that Corporation for the purpose of refixation of seats.

17. It implies that the data available in FIDR was considered for the purpose of fixation

of total seats and for reservation of seats for Backward Classes 'A' and further for Backward Classes 'B' in the elections of Municipal Corporations. However, it states that for the purpose of fixation of seats for Scheduled Castes, the population as ascertained in the last preceding Census, of which the relevant figures have been published, shall be considered, which is as per statutory provisions.

18. The seats could have been re-distributed only on the basis of Census of 2011 by counting the population as per 2011 Census, as per the current geographical limits and such process might have led to decrease, increase, or no change in the seats to be reserved for the categories belonging to the Scheduled Caste communities, depending upon the population of the current geographical area of Ambala at the time when the last Census was conducted, i.e., as per the Census of 2011.

19. It has been explicitly mentioned in the written statement that the Schedule caste categories were considered after relying upon the data derived from the Census of 2011 and not FIDR. Thus, there is no illegality at all in the said approach.

20. The Writ Petition is dismissed. All pending applications are disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

08.05.2026
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	NO